

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

IRMA MARQUEZ,

-VS-

Index No. 08 CV 4903

(J. Robinson)

THE CITY OF YONKERS, ET. AL.,

STATE OF NEW YORK )  
COUNTY OF NEW YORK ) ss.

Undersigned deponent, being duly sworn deposes and says that said deponent is not a party to this action, is over the age of eighteen years and resides in the State of New York. Deponent served the within process as follows:

**PROCESS SERVED:** SUMMONS, JURY TRIAL DEMAND and COMPLAINT

**PARTY SERVED:** CITY OF YONKERS POLICE DEPARTMENT

**LOCATION OF SERVICE:** 104 South Broadway, 2<sup>nd</sup> Floor  
Yonkers, NY 10701


**PARTY ACCEPTING SERVICE:** Sergeant Gileski  
**DATE OF SERVICE:** 6/05/08 **TIME OF SERVICE:** 2:00 p.m.

An approximate description of the person served with process listed herein:

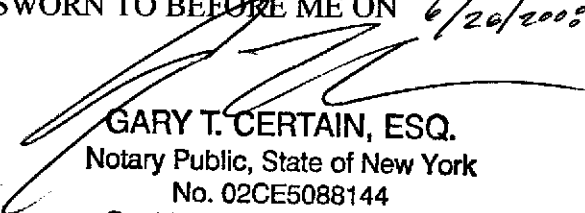
**SEX:** M **SKIN COLOR:** White **HAIR:** Shaved **AGE:** 44 **HEIGHT:** 5'10"  
**WEIGHT:** 176 **OTHER FEATURES:** Moustache.

Deponent further states that the within process was served in the following manner:

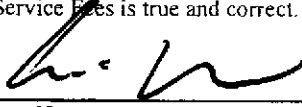
By delivering to and leaving with the above named person who is the authorized agent of said Government Agency.

  
ERIC AVERBACH  
NYC Lic. #918927

SWORN TO BEFORE ME ON 6/26/2008

  
GARY T. CERTAIN, ESQ.  
Notary Public, State of New York  
No. 02CE5088144  
Qualified in New York County  
Commission Expires 11/17/2009

AO 440 (Rev. 8/01) Summons in a Civil Action

RETURN OF SERVICE		
Service of the Summons and complaint was made by me <sup>(1)</sup>	DATE	6/05/08
NAME OF SERVER (PRINT) <b>ERIC NEIBACH</b>	TITLE	PROCESS SERVER NYC Lic. # 918927
Check one box below to indicate appropriate method of service		
<input type="checkbox"/> Served personally upon the defendant. Place where served:		
<input checked="" type="checkbox"/> Left copies thereof at the defendant's <del>dwelling</del> <sup>Business</sup> usual place of <del>work</del> with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left: <b>City of Yonkers Police Department Sergeant Gileski</b>		
<input type="checkbox"/> Returned unexecuted:		
<input type="checkbox"/> Other (specify):		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL <del>\$40.00</del> 40.00
DECLARATION OF SERVER		
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.		
Executed on <u>6/26/08</u>	 Date Signature of Server	
<u>2746 Rockefeller Center NY, NY</u> Address of Server		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

AO 440 (Rev. 8/01) Summons in a Civil Action

## UNITED STATES DISTRICT COURT

**SOUTHERN**

District of

**NEW YORK**

IRMA MARQUEZ

v

**SUMMONS IN A CIVIL ACTION**

CASE NUMBER:

**JUDGE ROBINSON**

THE CITY OF YONKERS, CITY OF  
YONKERS POLICE DEPARTMENT,  
POLICE OFFICER WAYNE SYMOES,  
POLICE OFFICER STEPHEN WALLIN,  
POLICE OFFICER JOHN LIBERATORE,  
POLICE OFFICER TODD MENDELSON,  
DEPUTY CHIEF EDWARD GEISS,  
DETECTIVE JAMES J. McCABE, POLICE  
OFFICER RANCE HOWARD, POLICE  
OFFICER INTERVALLE, POLICE  
OFFICER ESTEVEZ,

TO: CITY OF YONKERS POLICE DEPARTMENT  
104 SOUTH BROADWAY  
YONKERS, NEW YORK 10701

**YOU ARE HEREBY SUMMONED** and required to serve on Plaintiff's Counsel, Certain & Zilberg, PLLC 535 Fifth Avenue, New York, New York 10017.

an answer to the complaint which is served on you with this summons, within \_\_\_\_\_ days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

**MICHAEL McMAHON**  
*Caroline Lapley*

(By) DEPUTY CLERK

**MAY 28 2008**

DATE